

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cochran, et al. )  
Serial No. : 07/715,397 ) Group Art Unit 1811  
Filed : 6/14/91 )  
For : PULMONARY SURFACTANT ) Examiner: Lester Lee  
PROTEIN AND )  
RELATED POLYPEPTIDE ) Our Ref. No. SCR 0395P

TERMINAL DISCLAIMER PURSUANT TO  
37 CFR § 1.321(b)

Hon. Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

Petitioner, The Scripps Research Institute, residing at 10666 North Torrey Pines Road, La Jolla, CA 92037, in the county of San Diego and State of California, represents that it is the assignee of the entire right, title and interest in and to the above-identified application as set forth in an assignment signed on November 30, 1992 and submitted for recordation on December 3, 1992. A copy of that Assignment is submitted herewith.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Pat. No. 5,164,369, issued November 17, 1992, based on U.S. Patent Application Serial No. 07/293,201, filed January 4, 1989, of which Petitioner is also the assignee of the entire right, title and

Best Available Copy

Serial No. : 07/715,397

interest pursuant to an assignment dated October 30, 1991 and recorded at Reel 6167, Frame 0057. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,164,369, filed January 4, 1989, and issued on November 17, 1992. This agreement is to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Pat. No. 5,164,369, as presently shortened by any terminal disclaimer in the event that one or more later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a); (4) has all claims cancelled by a reexamination certificate; or (5) is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying or referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of Petitioner/Assignee The Scripps Research Institute's knowledge and belief, title is in the Petitioner/Assignee.


Serial No. : 07/715,397

The undersigned represents that he is a representative duly authorized to sign on behalf of the Petitioner.

Respectfully submitted,

THE SCRIPPS RESEARCH INSTITUTE

Dated: 6 Jan 93

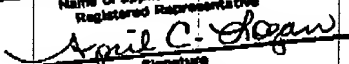
By:   
Douglas A. Bingham, Esq.  
Assistant Secretary and  
Patent Counsel

Office of Patent Counsel  
10666 N. Torrey Pines Road, TPC-8  
La Jolla, CA 92037  
(619) 554-2937

ACL\C:\WP\QA\SCR-0395.TD3

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as first-class *via facsimile*  
electronic envelope addressed to Commissioner of  
Patents and Trademarks Washington, D.C. 20231 on  
Jan. 6, 1993  
(Date of Deposit)

April C. Logan, Reg. No. 33,950  
Name of applicant, assignee or  
Registered Representative

  
Signature

1-6-93  
Date of Signature

## ASSIGNMENT

SCRIPPS CLINIC AND RESEARCH FOUNDATION, a California corporation having principal offices at 10666 North Torrey Pines Road, La Jolla, California 92037, for one dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby assigns and transfers onto THE SCRIPPS RESEARCH INSTITUTE, a California corporation having its principal offices at 10666 North Torrey Pines Road, La Jolla, California 92037, its successors and assigns, the entire right, title and interest in and to the patents and patent applications identified in Schedule A annexed hereto, the inventions described therein, and any and all patents, reissues, continuations and extensions of the foregoing through the world, the same to be held and enjoyed by THE SCRIPPS RESEARCH INSTITUTE, to the full end of the term for which a Letters Patent based on any of said Applications is granted, as fully and entirely as the same could have been held and enjoyed by SCRIPPS CLINIC AND RESEARCH FOUNDATION if this assignment and transfer had not been made.

Signed at La Jolla, California this 30th day of November 1992.

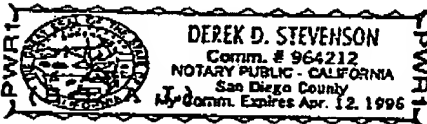
SCRIPPS CLINIC AND RESEARCH FOUNDATION

(S E A L)

By: Marc A ReynoldsMarc Reynolds  
Chief Financial Officer

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.

On this 30th day of November 1992, before me, Derek D. Stevenson, the undersigned Notary Public, personally appeared Marc Reynolds, personally known to me to be the person who executed the within instrument as Chief Financial Officer on behalf of the corporation therein named, and acknowledged to me that the corporation executed it.



Derek D. Stevenson  
Notary's Signature

SCHEDULE A

United States Patent Applications filed by  
Scripps Clinic and Research Foundation

<u>Date Filed</u>	<u>Serial Number</u>	<u>Status</u>
01/06/88	06/141,200	Abandoned
01/04/89	07/293,201	Issued (Patent No. 5,164,369)
06/14/91	07/715,397	Pending

## PATENTS ONLY

Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

SCRIPPS CLINIC &amp; RESEARCH FOUNDATION

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: Nov. 30, 1992

## 2. Name and address of receiving party(ies):

Name: THE SCRIPPS RESEARCH INSTITUTE

Internal Address: 10666 N. Torrey Pines Rd.

TPC-8, La Jolla, CA 92037

Street Address: 10666 N. Torrey Pines Rd.

TPC-8

City: La Jolla State: CA ZIP: 92037

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

## A. Patent Application No.(s)

07/715,397 (filed 6/14/91)

07/293,201 (filed 1/4/89)

06/141,200 (filed 1/6/88) Additional numbers attached? ☐ Yes ☒ No

## B. Patent No.(s)

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: April C. Logan

Internal Address: Office of Patent Counsel

10666 N. Torrey Pines Rd., TPC-8,

La Jolla, CA 92037

Street Address: 10666 N. Torrey Pines Rd.

TPC-8

City: La Jolla State: CA ZIP: 92037

## 6. Total number of applications and patents involved:

3

## 7. Total fee (37 CFR 3.41):

\$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit account number:

19-0962

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

April C. Logan

Name of Person Signing

Signature

Date

12/3/92

Total number of pages comprising cover sheet

1

Office of Patent Counsel  
The Scripps Research Institute  
10666 North Torrey Pines Road, TPC-8  
La Jolla, CA 92037

*Copy*

*1811*

FACSIMILE TRANSMITTAL SHEET

CONFIDENTIALITY NOTICE:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us. Any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: U.S. Patent and Trademark Office

FACSIMILE TELEPHONE NO: (703) 308-3718

FROM: April C. Logan

SERIAL NO.: 07/715,397 (Atty Docket SCR 0395P)

TOTAL NUMBER OF PAGES: 9 (INCLUDING COVER SHEET).

DATE: January 6, 1993 TIME: 1:50 pm (PST)

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

Facsimile Operator Phone Number: (619) 554-2937

Direct Line to Machine: (619) 554-6312

MESSAGE: Please expedite the processing of the attached Transmittal and corrected Terminal Disclaimer. Thank you for your courtesy and assistance.

Respectfully submitted,

*April C. Logan*  
\_\_\_\_\_  
April C. Logan  
Reg. No. 33,950

cc: Examiner Lester Lee (FAX: (703) 308-<sup>4227</sup>~~6227~~)

PTO-FAX.395

*SC*

FAX COPY  
RECEIVED

JAN 06 1993

PTO MALL